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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,652	08/20/2003	Guoping Shi	3604.1000-000	5440

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EXAMINER

SONNETT, KATHLEEN C

ART UNIT PAPER NUMBER

3731

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,652	Applicant(s) SHI, GUOPING	
	Examiner Kathleen Sonnett	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/20/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/31/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. It is noted, however, that a translation of Chinese Application 03221812.5 appears to have been mailed, but has not been received by the office. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Specification

The disclosure is objected to because of the following informalities: minor grammatical error. Line 11 of page 3 reads "an shooting chamber". Appropriate correction is required.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

Claim 1 is objected to because of the following informalities: minor grammatical error. Line 2 of claim 1 reads "an shooting chamber". Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. **Claims 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Crossman (U.S. 6,719,771) in view of Zhadanov (U.S. 5,304,193). Crossman discloses a disposable blood sampling device including a case (1) defining a shoot chamber with a lancet exiting hole (9), a lancet (2) slidably disposed within the shoot chamber with a puncturing tip pointed toward the lancet-exiting hole, a spring disposed at the back of the lancet in a shooting direction of the lancet, and a locking and shooting structure (21, 28) provided on the side of the lancet and the side of the case. The locking and shooting structure is composed of an elastic arm button (18) on the case and an elastic arm (28) on the lancet. The elastic arm is provided with a notch, which forms a self-destructive breaking point of the elastic arm (see Fig. 8 and col. 4 lines 19-34). A locking hole is provided on the side of the case.
2. Regarding **claim 2**, the notch is provided on the outer side of the elastic arm (28).
3. Regarding **claim 3**, the notch is V-shaped (see Fig. 8).
4. Regarding **claim 4**, when elastic arm (28) is cut or bent depending on the engaging surface of the elastic arm button (18), the elastic arm remains trapped in the area behind webs (10, 11). This is being considered the avoiding space.

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5. Crossman fails to disclose that the elastic arm is engagable with a locking hole in a locking state.

6. However, Zhandanov et al. discloses that it is old and well known in the art to include an elastic arm that engages with a lock hole (see Fig. 1). This configuration locks the lancet in place until the actuator button is actuated much like structure (10) disclosed by Crossman. Regarding **claim 5**, the elastic arm has a catching groove that engages with the inner side surface of the locking hole. Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention disclosed by Crossman to include an elastic arm that is engagable with the locking hole made obvious by Zhandanov et al. because it provides an alternative way to lock the lancet in place until the actuator button is actuated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Sonnett whose telephone number is 571-272-5576. The examiner can normally be reached on 7:30-5:00, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCS